

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Washington.

### HEALTHY FORESTS

Mr. WYDEN. Thank you, Madam President. I think we will have a discussion about forestry. I see my colleagues from Idaho and Mississippi.

I will take just a few minutes because I think in recent days there has really been the suggestion that in some ways Senate Democrats don't want to move ahead on this forestry issue. Senator DASCHLE, in particular, in my view, has been very constructive on this issue and wants to have the Senate vote on this legislation.

I wish to make it clear that I think it is urgent we vote on this bill before the Senate adjourns for this year. I happen to believe there are 60 votes for the Senate compromise that has been worked out. I think it is important to address the concerns of all the Members.

I really hope this isn't left to just the political season, which gets awfully silly sometimes in the course of a Presidential election season next year. I think the Senate must vote on it this year. Senators know that this issue sort of makes Middle East politics look noncontroversial. This is a very difficult and contentious subject. But I think the Senate has come together around an important compromise.

I wish to take a few minutes this morning to outline how the Senate bill would differ from what has been done in the House of Representatives.

First, the Senate compromise authorizes \$760 million for hazardous fuel reduction projects. The House bill does not authorize any additional money for these projects.

The Senate compromise—I want to emphasize this to my Democratic colleagues—does not rely on commercial logging to get these projects done. The House bill does. I think this is unfortunate.

The Senate compromise protects our rural communities. The House bill does not.

The Senate compromise directs that 50 percent of the funding be spent inside what is known as the wildland-urban interface. The House bill is silent with respect to directing these funds.

The Senate compromise protects old growth and large trees and requires projects that thin—not clear-cut—our forests. Again, that is in contrast to the House bill. The House bill does not protect old growth and large trees, and it doesn't limit how the projects can be executed.

Fourth, the Senate compromise keeps the current standard of judicial review of these projects and rejects the House of Representatives standard which is not as balanced. The House bill would actually change the outcome of lawsuits, in my view, regrettably, by robbing the judiciary of an independent

ability to weigh all of the evidence put before them with respect to forestry matters.

Finally, the Senate compromise keeps the public in the process. Regrettably, the House bill does not. The Senate compromise allows the public to actually propose what is known as a NEPA alternative.

The National Environmental Policy Act is an extraordinarily important statute. It has been of great importance to a lot of Members of the Senate. Look back to people such as the late Scoop Jackson who were so involved in this issue. The Senate compromise clearly allows the public, through a public process, to propose NEPA alternatives. In my view, the House bill pushes the public out of the process by, in effect, predetermining these alternatives in the NEPA area.

Talking for a few minutes about the compromise, in particular the value of having the first ever statutory protection of old growth, preserving the public's right to participate, while streamlining the appeals process to get at some of the abuses we have seen, strikes the right balance. With respect, for example, to this question of making sure citizens can be involved in appealing matters relating to a forest resale, it is critical those rights be protected.

I also do not think there ought to be a constitutional right to a 5-year delay on every timber sale. The Senate compromise which we put together strikes that appropriate balance.

As we get ready to vote, some very creative work has been done. Folks have asked, How do we know the old-growth protection is actually going to get put in place? We say, for example, for the old-forest plans that in effect the Forest Service would have to go back and revise those plans to make sure the old growth is protected before the overall projects with respect to thinning go forward. We create for the first time in these old-forest plans an actual incentive for the Forest Service to get busy, get going, and protect the old growth while allowing the thinning to go forward. The compromise makes it less likely that old growth will be harvested under current law because under the compromise we mandated the retention of the large trees and focused the hazardous fuels reduction programs authorized by the bill on thinning the small trees.

Several of my colleagues want to talk on this, but I make it clear, again, Senator DASCHLE has said publicly, privately, in every conceivable forum, he wants this legislation to move forward expeditiously. Let us address the concerns of all Senators. This is a matter Senators feel strongly about. Let us vote on this legislation this year. The fires we have seen in the west are not natural. They are infernos coming about as a result of years and years of neglect. The compromise we have crafted reflects a balanced approach. We are not stripping the American people of their rights to be heard with re-

spect to forestry policy. Quite the contrary. We protect all of those avenues of public participation.

I know we are going to hear from our colleagues who have been involved in the compromise. I thank Senator CRAIG and Senator COCHRAN, in particular, for working with myself and Senator FEINSTEIN for many months. A number of Senators have already come out for this proposal, including, of course, the minority leader, Senator DASCHLE, but also Senator DAYTON and Senator JOHNSON. We have a host of Democratic Senators. We can get 60 votes on this legislation and see it passed from this body. We want to have it done this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. I thank the Senator from Oregon for his explanation and his evaluation of the Healthy Forest Restoration Act, H.R. 1904, that we want to get before the Senate. He is so right in all of his comments. We have worked together in a very bipartisan way.

I come to the floor today as a frustrated Senator over the current situation. I chair the forestry subcommittee of Energy. My colleague from Oregon is the ranking member. Yet the ranking member of the full Energy Committee came to the floor and objected to proceeding on this legislation. I am frustrated as to why the Senator from New Mexico, Mr. BINGAMAN, would object now that we have crafted this bipartisan balance. I am perplexed, when you evaluate the record of full bipartisan participation, why we will not allow this to go forward under the normal course.

On June 26, the Agriculture Committee held a full hearing on H.R. 1904. Many of our colleagues attended. I am not a member of the Agriculture Committee, but I attended that hearing. Those Members critically in need of this legislation for our states and our forests attended that hearing. Then the Energy Committee the Senator from New Mexico is on, on July 22, held hearings on this issue and on the impact of fires, insects, and disease on our forests. The committee also considered S. 1314, the Collaborative Forest Health Act. Senator BINGAMAN's bill, H.R. 1904, the Healthy Forest Restoration Act, was also considered at that time. There has been full consideration in both the Agriculture Committee and the Energy and Natural Resources Committee of this legislation.

Two Senators who have engaged in the hearings full time, Senator WYDEN of Oregon and Senator FEINSTEIN of California, worked in a very bipartisan way with the chairman of the full Agriculture Committee, Senator COCHRAN, who I understand will speak in a few moments.

Why, therefore, is there an objection? More importantly, why are we now calling for hearings on an amendment? I don't know that has ever been done

once a bill is marked up and left the full committee. Are we going to revert backward now, and every time an amendment is offered, some Senator is going to stand up and say: you cannot go further; you have to have a hearing on that amendment?

The Senator from New Mexico and others know exactly what is in this legislation. We have worked extremely hard to bring all parties into it. The staff of the Senator from New Mexico was involved in some of the negotiations and then decided not to attend the rest of them as they went forward. It has not been a private process. It has been most open and most public with the Senators from the Republican side and the Senators from the Democrat side and their staffs working collaboratively and cooperatively together to get where we are today. We heard a very clear explanation from the Senator from Oregon of the kind of process we went through and the product we have produced.

Is this now the handbook of the environmental community playing its card? I hope not. I hope that is not the process in the end. It is almost like the forest vernacular of the appeals process. You stay involved just long enough and just before the decision comes about, you ask for an appeal. No more appeals. The process has worked its will. All parties have been involved. All amendments have been worked. Now it is time to come to the Senate and debate it and if the Senator from New Mexico has amendments, offer them up. Let's debate them. Let's talk about them.

What is so critically important for the health of America's forests is that we move forward with a process that begins to allow an active management approach we think this legislation has very skillfully crafted. We still have to work out our differences between the House and the Senate. I am supportive of the Senate bill. I will work in a conference, if I am a part of that conference, to try to get the Senate's bill to work its will and to become part of our forest management law. That is what is critical. That is what is important.

Clearly, it is time we move forward. It is now not time to stall. There would be all kinds of reasons to argue if these bills had never had hearings, if these bills had never been allowed to be amended in committee, if these bills had never been allowed to do a full markup, but all of that has happened. Why are we in the fifth inning in an appeals approach suggesting we hold more hearings on an amendment that can be effectively debated on the floor of the Senate? It is a critical issue for my State and for the public forests of this country.

I hope in a bipartisan way we can bring this legislation to the floor, have a thorough debate and an amendment process, and move it on.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I believe we need to do something for healthy forests. I know how hard the Senator from Oregon has worked on this, along with others. I applaud and commend them for working.

Nevada, of course, is a State very large in area and we have had some devastating fires in the last several years. Something needs to be done about it.

In response to my friend from Idaho, who I have the greatest respect for, he did not mention by name the Senator from New Mexico, but he is talking about Senator BINGAMAN, speaking in not a favorable light about my friend, the junior Senator from New Mexico. I have served with JEFF BINGAMAN. We were elected to Congress the same year. He is a man of intellect. He is Harvard educated, and he has a fine legal mind. Certainly he is not anyone, by virtue of his record, which would be easily obtainable, to go whatever way the environmental community wants him to go.

I can speak from experience. I have issues where I believe the Senator from New Mexico should have followed what I felt was the right way, and the environmental community supported it, and he did not go that way.

All I am saying is Senator BINGAMAN is one of the finest Senators we have in this body. He has some problems with this legislation, some of which are based upon the fact he is the ranking member and former chairman of the committee which some believe should be the authorizing committee and not the Agriculture Committee. I do not take a position on that because I do not know which committee should be involved. But as the ranking member of that committee, Senator BINGAMAN has some concerns and there are some questions he has asked. I do not think that is out of line in any way.

So without belaboring the point—and I certainly know Senator BINGAMAN can defend himself, but he is not here—I want to simply say he is one of the fairest people, one of the people who understands Senate procedure and rules as much as anyone I know, who is also interested in doing something about the forest fires sweeping the west.

New Mexico has had them. We know one fire which got so much attention was a manmade fire when a Forest Service burn got out of control and nearly wiped out one of the defense installations there in Los Alamos.

I would hope everyone understands Senator BINGAMAN is trying to come forward with what he believes are some serious questions about the way this legislation has moved. If his questions are answered, there will be a number of us who will look to him for leadership on this bill.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I understand under the order a certain amount of time is allocated to me.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

UNANIMOUS CONSENT REQUEST—  
H.R. 1904

Mr. COCHRAN. Madam President, at the request of the majority leader, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to the immediate consideration of H.R. 1904, the Healthy Forests Restoration Act, under the following limitations: That any amendments offered must be relevant to the underlying measure, and that any second-degree amendment be relevant to the first-degree amendment to which it is offered. I further ask unanimous consent that following the disposition of any amendments, the bill be read a third time and the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Madam President, reserving the right to object, I would ask that the distinguished Senator from Mississippi modify his request and just simply allow the bill to come to the floor at a time to be agreed upon by the majority leader after consultation with the Democratic leader, that the bill just come to the floor, period, with no restrictions on it.

The PRESIDING OFFICER. Does the Senator accept that modification?

Mr. COCHRAN. Madam President, I am not able to accept it on behalf of the majority leader. I made this request at the majority leader's request. This was written by the majority leader, so I am unable to make that modification.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Madam President, the Healthy Forests Restoration Act, which is a bill that has been reported by the Agriculture Committee, is a comprehensive strategy to improve forest health on both public and private lands. The bill empowers Federal land managers to implement, in consultation with local communities, scientifically supported management practices on Federal forests. It establishes new conservation programs to improve water quality and regenerate privately owned forests.

This bill will reduce the amount of time and expense required to conduct hazardous fuel projects, but it also mandates rigorous environmental analysis before any such projects are undertaken.

Over the past few years, many lives have been lost and homes and communities destroyed by forest fires that could have been prevented. Instead of managing our national forests, the U.S. Forest Service has been forced to spend